UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,096	11/16/2001	Michael Sawyer	P1830US00	2882

24333	7590	08/12/2005

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EXAMINER
HAMZA, FARUK

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

A

	Application No.	Applicant(s)
Office Action Summary	09/991,096	SAWYER, MICHAEL
	Examiner	Art Unit	
	Faruk Hamza	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 May 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   This communication is responsive to the amendment filed on May 25,

2005. Claims 1, 5,7,8 and 11 have been amended. Claims 25-34 have been

newly added. Claims 1-34 are now pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

102(e)).

2.   Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by

Capps et al (U.S. Patent Number 6,735, 691) hereinafter referred as Capps.

Capps teaches the invention as claimed including a system and method
for compiling configuration information of a computer and populating a migration
file with that information and upload it to a server (See abstract).

As to claim 1, Capps teaches a system for remotely determining a user's
out-of-box experience, comprising:

a user information handling system capable of detecting and uploading
data related to the user's interaction with the user information handling system
during an initial setup of the user information handling system (Column 3, lines
56-Column 4, lines 7, Capps discloses a system capable of detecting user
interaction with a computer and uploading that data);

a network suitable for communicating uploaded data, wherein the network
is connected to the user information handling system (Fig. 2, Capps discloses
uploading user interaction data over the network); and

a remote information handling system connected to the network, wherein
the remote information handling system is suitable for receiving uploaded data
from the user information handling system (Fig. 2, Capps discloses information
handling system receiving interaction data over the network).

As to claim 2, Capps teaches the system of claim 1, wherein the user information handling system is capable of automatically uploading user interaction data (Fig. 4, Column 3, lines 56-Column 4, lines 7).

As to claim 3, Capps teaches the system of claim 1, wherein the user information handling system is capable of offering an opportunity to upload user interaction data (Fig. 4, Column 3, lines 56-Column 4, lines 7).

As to claim 4, Capps teaches the system of claim 1, wherein the remote information handling system is capable of correlating the uploaded data with the user information handling system's pre-loaded configuration (Column 2, lines 16-30).

As to claim 5, Capps teaches The system of claim 10, wherein user interaction data is at least one of an occurrence of an event, a time interval between events, a user input, "HELP" button utilization, a time period to load a program, an accessed program's name, an installation of a driver, a screen capture, a time period a dialog box is open (Column 10, lines 10-16).

As to claim 6, Capps teaches the system of claim 1, wherein the user information handling system detects user interaction data as a background application (Column 3, lines 20-26).

As to claim 7, Capps teaches the system of claim 1, wherein the user's interactions are detected for at least one of an initial boot-up, a specific number of boot operations, a time period, and after a program has been started a specific number of times (Column 7, lines 33-56).

As to claim 8, Capps teaches the system of claim 1, wherein the network is an INTERNET (Column 3, lines 8-19).

As to claim 9, the system of claim 1, wherein the user information handling system is capable of surveying the user (Column 2, lines 17-30).

As to claim 10, Capps teaches a system for remotely determining a user's out-of-box experience, comprising:

a user information handling system capable of detecting and uploading data related to the user's out-of-box interaction with the user information handling system during initialization (Column 3, lines 56-Column 4, lines 7);

a network suitable for communicating uploaded data, wherein the network is connected to the user information handling system (Fig. 2); and

a remote information handling system connected to the network, wherein the remote information handling system is suitable for receiving the uploaded data from the information handling system (Fig. 2).

As to claim 11, Capps teaches the system of claim 10, wherein the network is an INTERNET (Column 3, lines 8-19).

As to claim 12, Capps teaches a method for remotely determining a user's out-of-box experience with a user information handling system, comprising:

providing the user information handling system with the capability of detecting data related to the user's interactions with the user information handling system (Column 3, lines 56-Column 4, lines 7);

initializing the user information handling system including user interaction detecting capability, by the user (Column 3, lines 56-Column 4, lines 1-5);

detecting data related to the user's interactions with the information handling system during initialization (Column 10, lines 6-21);

compiling the detected user interaction data (Column 2, lines 5-12);

uploading the user interaction data to a network (Column 2, lines 17-30);

communicating user interaction data to a remote information handling system (Column 2, lines 17-30).

As to claim 13, Capps teaches the method of claim 12, further comprising offering an incentive to upload user interaction data (Fig. 4, Column 3, lines 56-Column 4, lines 7).

As to claim 14, Capps teaches the method of claim 12, wherein uploading user interaction data is conducted automatically (Column 2, lines 17-30).

As to claim 15, Capps teaches the method of claim 12, wherein uploading user interaction data is initiated by the user (Column 2, lines 17-30).

As to claim 16, Capps teaches the method of claim 12, wherein detecting the user's interactions with the information handling system is conducted as a background operation (Column 3, lines 20-26).

As to claim 17, Capps teaches the method of claim 12, wherein uploading compiled user interaction data is conducted after at least one of an initial boot-up, after a specific number of boot operations, and a time period (Column 7, lines 33-56).

As to claim 18, Capps teaches the method of claim 12, further comprising surveying the user about information regarding at least one of demographic data and user opinion (Column 2, lines 17-30)

As to claim 19, Capps teaches the method of claim 18, further comprising correlating survey information with user interaction data (Column 1, lines 35-62).

As to claim 20, Capps teaches a method, comprising:

detecting an initialization of a user when the user sets up a user

information handling system (Column 10, lines 6-21);

saving the initialization activity detected in said detecting step to a file

(Column 2, lines 16-30);

uploading the file to an originator of the user information handling system

wherein the initialization activity of the user is correlated by the originator

(Column 2, lines 16-36).

As to claim 21, a method as claimed in claim 20, further comprising the

step of correlating the initialization activity of the user, determining whether a

change in the initialization is needed, and, in the event a change is needed,

modifying an initialization process for new information handling systems in

response to the analyzed initialization activity of the user (Column 2, lines 16-36).

As to claim 22, Capps teaches a software system for remotely detecting a

user's out-of-box experience, comprising:

a computer-readable medium containing (Column 4, lines 61-Column 5,

lines 23);

a first software program capable of causing a user information handling

system to perform a function (Column 5, lines 24-40); and

a second software program capable of causing the user information handling system to detect and compile the user's initial interactions with the information handling system performing the first software program (Column 2, lines 1-16);

wherein the second software program is a background application (Column 2, lines 1-16); and

wherein the second software program is capable of causing the user information handling system to upload the compiled data to a remote information handling system (Column 2, lines 17-30).

As to claim 23, Capps teaches an apparatus, comprising:

means for detecting an initialization activity of a user when the user initializes an information handling system (Column 10, lines 6-21);

means for saving the initialization activity detected by said monitoring means to a file (Column 2, lines 16-30); and

means for uploading the file to an originator of the user information handling system wherein the initialization activity of the user is correlated by the originator (Column 2, lines 16-36).

As to claim 24, Capps teaches an apparatus as claimed in claim 23 wherein the originator correlates the initialization activity of the user so that a

future system can be configured in response to the correlated initialization

activity of the user (Column 2, lines 16-36).

As to claim 25, Capps teaches the system of claim 1, wherein the

initial setup of the user information handling system comprises an initial

boot-up of the user information handling system and establishing the user

information handling system into an operating state by the user (Column 1,

lines 35-62).

As to claim 26, Capps teaches the system of claim 1, wherein the

initial setup of the user information handling system is limited to an initial

boot-up of the user information handling system and establishing the user

information handling system into an operating state by the user (Column

1, lines 13-62).

As to claim 27, Capps teaches the system, of claim 1, wherein the

data related to the user's interaction includes a screen capture (Column

1, lines 13-62).

As to claim 28, Capps teaches the system of claim 1, wherein the

data related to the user's interaction comprises data about a time period

that a dialog box is open during the initial setup of the user information

handling system (Column 1, lines 13-62).

As to claim 29, Capps teaches the system of claim 1, wherein the

data related to the user's interaction comprises data about a time period

between two designated events during the initial setup of the user

information handling system (Column 1, lines 13-62).

As to claim 30, Capps teaches the system of claim 1, wherein the

data related to the user's interaction comprises data about a utilization of

a "HELP" button during the initial setup of the user information handling

system (Column 1, lines 13-62).

As to claim 31, Capps teaches the system of claim 1, wherein the

data related to the user's interaction comprises data about an error

message displayed during the initial setup of the user information

handling system (Column 7, lines 58-Column 8, lines 15).

As to claim 32, Capps teaches the method of claim 12, wherein

initializing the user information handling system comprises making

changes to the user information handling system to conform to the user's

specifications (Column 7, lines 58-Column 8, lines 15).

As to claim 33, Capps teaches the method of claim 12, wherein the step of uploading the user interaction data to the network is initiated after a specific number of boot operations after an initial boot operation on the user information handling system (Column 7, lines 58-Column 8, lines 15).

As to claim 34, Capps teaches the method of claim 12, wherein the step of uploading the user interaction data to the network is initiated after a predetermined time period after an initial boot operation on the user information handling system (Column 7, lines 58-Column 8, lines 15).

Conclusion

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information
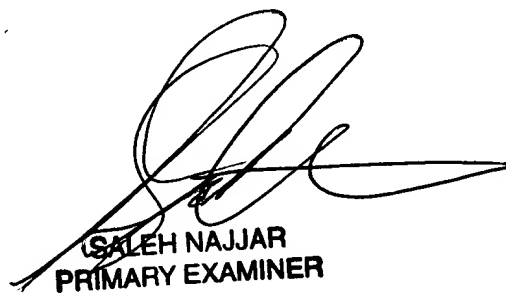
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Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

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PRIMARY EXAMINER